

AMENDMENTS TO ARTICLE 6

- Section 6-400 Administration
- Section 6-700 Site Plan
- Section 6-1216 Minor Rezoning
- Section 6-2000 Conservation Design

**Division B: Administration and
Enforcement of Ordinance and Notice of Public Hearings**

Section 6-400

Administration.

6-401

Zoning Administrator. It shall be the responsibility of the Zoning Administrator to administer, interpret and enforce the provisions of this Ordinance. The Zoning Administrator shall be guided in all of his actions pursuant to this Ordinance by the terms, purposes, intent and spirit of this Ordinance. The Zoning Administrator may be assisted in the enforcement of this Ordinance by the Health Officer, Sheriff and all other officials of Loudoun County, Virginia, pursuant to their respective fields. Specifically, his duties and powers shall include:

- (A) To receive and/or review:
 - (1) Applications for variances.
 - (2) Notices of appeal to the BZA.
 - (3) Applications for certificates of occupancy.
 - (4) Applications for zoning permits.
 - (5) All other applications, certifications, or materials required by this Ordinance to be submitted to the Zoning Administrator.
- (B) To issue zoning permits where the requirements of this Ordinance have been met.
- (C) To issue interpretations of this Ordinance upon proper application. Such interpretations shall be binding as to the applicant and as to the specific facts presented in the application for interpretation after the completion of the thirty (30) day appeal period. In administering this Ordinance and rendering determinations as to the uses permitted or allowed by special exception in the various zoning districts, the Zoning Administrator shall have the power and authority to render decisions as to whether a specific proposed use, although not listed as permitted or allowed by special exception, is so substantially similar in substance and effect to a permitted use or a use allowed by special exception, that it should be allowed as if expressly permitted or allowed by special exception. Such interpretations shall include notification of appeal procedures and timelines.
- (D) To conduct inspections of buildings, structures and uses of land to determine compliance with the provisions of this Ordinance.

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- (E) To maintain accurate records of proffered conditions as required by Section 6-1209 of this Ordinance.
 - (F) To enforce the provisions of this ordinance, the decisions of the BZA and conditions and proffers subject to which approvals of the BZA, Planning Commission and Board of Supervisors were made.
 - (G) To perform such other duties and functions as may be required by this Ordinance and the Board of Supervisors.
 - (H) To maintain the inventory of buildings and structures within an Historic Site or Historic and Cultural Conservation district as required by Section 6-1808.
 - (I) To maintain and make available for public inspection and copying the official Zoning Map, the Zoning Ordinance, and the minimum submission requirements adopted by Board of Supervisors resolution.
 - (J) To maintain a compilation of the interpretations and opinions of the Zoning Administrator for public review.

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6-402

Fees. The County Administrator shall recommend and the Board of Supervisors shall adopt a schedule of fees to be paid upon the filing of each application specified in this Ordinance. Application fees are hereby waived for the following:

- (A) Applications for a requested amendment from any district to an Historic Overlay district.
- (B) Applications for requested amendment from any district to an AR-2 district.
- (C) Applications for amendment, special exception, or commission permit sought by the following governmental agencies:
 - (1) Loudoun County School Board.
 - (2) Loudoun County Sanitation Authority.
 - (3) Fire and rescue companies serving Loudoun County.
 - (4) Any agency, board or division acting in the name of the Board of Supervisors of Loudoun County.

1 **6-403**

2 (A) **Submission Requirements.** The Board of Supervisors shall adopt by
3 resolution regulations enumerating those materials required to be
4 included with each application provided for in this Ordinance, which
5 materials shall constitute the minimum submission requirements for such
6 application and be consistent with the requirements of this Ordinance.
7 Such submission requirements shall include a letter signed by the
8 applicant and by the owner of the property granting the right of entry
9 upon the property to the Zoning Administrator, law enforcement agents,
10 and County inspectors for the purpose of inspecting, and bringing law
11 enforcement to the property, during the term of any permit which may be
12 issued. Such submission requirements shall also include, in the case of
13 any application for a Zoning Map Amendment, Zoning Ordinance
14 Modification, Zoning Concept Plan Amendment, Special Exception,
15 Variance, Site Plan or Zoning Permit, the provision of satisfactory
16 evidence from the Treasurer's Office that any real estate taxes due and
17 owed to the County which have been properly assessed against the
18 property have been paid. Additionally, such submission requirements
19 shall also include, in the case of an application for Zoning Map
20 Amendment, Zoning Concept Plan Amendment, Zoning Ordinance
21 Modification, Special Exception or Variance, a completed Disclosure
22 of Real Parties In Interest Form disclosing the equitable ownership of
23 the real estate to be affected. Revisions to the list of those materials
24 required necessitated by an amendment to this Ordinance shall be
25 attached to such amendment for concurrent consideration and adoption by
26 resolution of the Board of Supervisors.

27 (B) **Rezoning Plat.** If the application is a reclassification to a non-planned
28 development district, a rezoning plat shall be required.

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30 **6-404**

31 **Speakers at Public Hearings.** All witnesses and speakers presenting facts and
32 evidence at any public hearing shall provide their name and address and affiliation,
33 if any, for the record. At the discretion of the person presiding over the hearing,
34 witnesses or speakers may be required to give oath or affirmation regarding the
35 truth of their statements.

36 **6-405**

37 **Inactive Applications.** Any Zoning Map Amendment application, Zoning
38 Modification application, or Concept Plan Amendment application officially
39 accepted by the County for processing but which has had processing suspended
40 either by request of the applicant or by having no contact or activity occur in
41 regards to the application by the applicant for a period of twelve months or any
42 Special Exception application officially accepted by the County for processing but
43 which has had such processing suspended either by request of the applicant or by
44 having no contact or activity occur in regards to the application by the applicant for
45 a period of six months shall be deemed inactive.

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1 An application may remain inactive for up to three (3) years at the end of which
2 period it will be processed to a final decision. If an applicant wishes to reactivate
3 their application prior to the end of this three (3) year period, they must notify the
4 County in writing of their intent to proceed with their application, grant the County
5 an appropriate timeline extension and pay a reactivation fee as established by the
6 Board of Supervisors.

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8 **6-406**

Full Disclosure of Development Plans. Prior to the execution of an offer to buy a
new home, sellers of new homes, or their agents, shall provide to home buyers
access to current copies of the following:

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12 (A) Approved subdivision record plat;
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14 (B) All development plans approved for the property as part of a Zoning Map
15 Amendment, Zoning Concept Plan Amendment, Zoning Ordinance
16 Modification, or Special Exception;
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18 (C) All proffered conditions accepted by the Board of Supervisors as part of
19 the zoning approval for the development; and
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21 (D) The applicable Comprehensive Plan for the area of the County.

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23 Such documents shall be located on the site of the property encompassed by the
24 subdivision, plat, or development in which the property for sale is located, or at an
25 office in its immediate vicinity. The sellers of the new home, or their agents, shall
26 notify the prospective home buyers of the location of these documents and provide
27 a reasonable opportunity for such prospective buyers to inspect these documents.
28 Prospective home buyers shall sign a statement stating that they have reviewed or
29 have been offered the opportunity to review these documents. Said statements shall
30 be kept on file with the builder for a period of three years.

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32 **6-407**

Map Interpretations and Boundary Determination.

- 33 (A) The environmental overlay districts and steep slope maps are intended to
34 show the location of environmental resources in the County, including
35 the following:
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37 (1) Mountainside Development Overlay District (MDOD) Map,
described in Section 4-1600;
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39 ~~(2) Limestone Conglomerate Overlay District (LOD) Map, described~~
~~in Section 4-1900;~~
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41 ~~(3) River and Stream Corridor Overlay District (RSCOD) Map,~~
~~described in Section 4-2000; Floodplain Overlay District;~~
42 ~~described in Section 4-1500; and~~

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(4) Loudoun County Steep Slopes Map, described in Section 5-1508.

The Zoning Administrator, in consultation with the Department of Building and Development, is charged with making necessary cartographic interpretations of those maps at the request of the applicant or on his/her own initiative. The Zoning Administrator is authorized to interpret the exact location of the boundaries if there appears to be a conflict between the mapped resource boundary, elevations, and actual physical conditions. The Zoning Administrator may require information from the applicant, including, but not limited to a topographic survey and/or engineering studies in conformance with the provisions of the Facilities Standards Manual.

(B) The applicant may appeal interpretations to the Board of Zoning Appeals in accordance with the provisions of Section 6-1700, "Appeals," of the Zoning Ordinance.

~~6-408~~ Modifications.

~~(A) Intent and Purpose. A modification is intended to promote conservation design and protection of primary conservation areas and steep slopes by allowing the applicant to seek minor adjustments in applicable environmental standards to preserve the maximum amount of most significant resources. Applicants may only apply for modifications from the following environmental standards:~~

~~(1) Mountainside Development Overlay District (MDOD), Section 4-1600;~~

~~(2) Limestone Conglomerate Overlay District (LOD), Section 4-1900;~~

~~(3) River and Stream Corridor Overlay District (RSCOD), Section 4-2000;~~

~~(4) Steep Slope Standards, Section 5-1508; and~~

~~(5) Conservation Design, Section 6-2000.~~

~~(B) Limits on Scope of Modifications. Only modifications from dimensional standards (e.g., setbacks, height, distances) may be granted. No modification shall alter the required dimensional standards by more than ten percent (10%) for the purpose of promoting overall compliance with environmental protection standards.~~

~~(C) Review Criteria. The applicant shall submit documentation with evidence that the modification meets the following criteria:~~

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1 ~~(1) The modification will cause no significant adverse environmental~~
2 ~~impacts to primary conservation areas or steep slopes.~~

3 ~~(2) The modification will result in protection of the maximum~~
4 ~~amount of most significant resources on a site.~~

5 ~~(3) The modification will result in an innovative design, improve~~
6 ~~upon existing regulations, or otherwise exceed the public purpose~~
7 ~~of the existing regulations.~~

8 ~~(D) **Review Procedure.** All applications for a modification shall be~~
9 ~~submitted in writing to the Zoning Administrator.~~

10 ~~(E) For any modification that does not comply with the standards in this~~
11 ~~Section 6 408, or that exceeds the ten percent (10%) limit, the applicant~~
12 ~~may submit a request for variance, as governed by Section 6 1607,~~
13 ~~"Standards for Variances," of this Zoning Ordinance.~~

Section 6-700 Site Plan Review.

6-701 Site Plan Required.

Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

- (A) All uses in the commercial districts.
- (B) All uses in the industrial districts.
- (C) All nonresidential uses in the AR-1, AR-2, RR-1 and RR-2 Districts, including all permitted uses within the “agriculture support and services related to agriculture, horticulture, and animal husbandry” use category, but not including basic agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-703.
- (D) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, and accessory uses and structures allowed under Section 5-101.
- (E) Those special exception uses and structures which require a site plan.
- (F) Any development in which any required off-street parking space is to be used by more than one establishment.
- (G) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.
- (H) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.
- (I) All public buildings and institutions.
- (J) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.
- (K) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.
- (L) Temporary or permanent parking uses and parking structures.

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6-702

Site Plan Requirements.

The requirements for submission, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

- (A) The approved concept development plan, rezoning plat, or special exception plat;
- (B) The Copy Teste of the Board of Supervisors action on such plan or plat;
- (C) A copy of the approved proffers and/or special exception conditions;
- (D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

6-703

Rural Sketch Plan.

- (A) A Rural Sketch Plan is required as part of a zoning permit application in the A-3, A-10, AR-1, AR-2, RR-1 and RR-2 zoning districts for the following permitted uses: Animal Care Business, Child Care Home, Farm Market, Stable (Private or Neighborhood), and Wayside Stand.
- (B) Rural Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the Rural Sketch plan shall include the location and width of adjacent right-of-way, adjoining properties, and easements.
- (C) The Rural Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

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- (B) **Staff Review of Application. Referrals (6-1204 (A)).** Upon acceptance of the application, the Planning Director shall forward a copy of the application to the Department of Building and Development, the Zoning Administrator, and the Virginia Department of Transportation, and shall set the application for public hearing to be held at the first Planning Commission public hearing scheduled to occur after the sixtieth (60th) day following acceptance of the application.
- (C) **Referral Responsibilities (6-1204 (B)).** Each reviewing agency shall, within thirty (30) calendar days of the receipt of a referral, prepare a staff report which sets out in writing its comments and recommendations and shall forward such report to the Director of Planning.
- (D) **Review of Referrals (6-1204 (C)).** Referral comments shall be reviewed by the Director of Planning within fifty (50) days after an application has been accepted. The Planning Director shall forward to the applicant within five (5) working days of receipt of all referral comments and a written review of the issues raised by the application.
- (E) **Hearing Before Board of Supervisors (6-1212).** No later than forty (40) calendar days after the Planning Commission public hearing, a duly noticed public hearing shall be held by the Board of Supervisors regarding an application for rezoning to the AR-2 District.

6-1216 **RR-1 and RR-2 District Minor Rezoning - Special Provisions.** The following provisions of Division D: Special Development Approvals shall be modified as follows for applications to amend the zoning map to rezone property to the RR-1 or RR-2 Districts:

(A) **Pre-Application Conference (6-1203 (A)).** The pre-application conference is recommended but shall not be required.

(B) **Staff Review of Application. Referrals (6-1204 (A)).** Upon acceptance of the application, the Planning Director shall forward a copy of the application to the Department of Building and Development, the Zoning Administrator, and the Virginia Department of Transportation, and shall set the application for public hearing to be held at the first Planning Commission public hearing scheduled to occur after the sixtieth (60th) day following acceptance of the application.

(C) **Referral Responsibilities (6-1204 (B)).** Each reviewing agency shall, within thirty (30) calendar days of the receipt of a referral, prepare a staff report which sets out in writing its comments and recommendations and shall forward such report to the Director of Planning.

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1 (D) Review of Referrals (6-1204 (C)). Referral comments shall be reviewed
2 by the Director of Planning within fifty (50) days after an application has
3 been accepted. The Planning Director shall forward to the applicant
4 within five (5) working days of receipt of all referral comments and a
5 written review of the issues raised by the application.

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7 (E) Hearing Before Board of Supervisors (6-1212). No later than forty
8 (40) calendar days after the Planning Commission public hearing, a duly
9 noticed public hearing shall be held by the Board of Supervisors
10 regarding an application for rezoning to the RR-1 or RR-2 Districts.
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DIVISION G: CONSERVATION DESIGN

~~Section 6-2000—Conservation Design.~~

~~6-2001 Purpose and Intent.~~ These provisions are intended to:

(A) ~~Consider the resources on a site and surrounding areas and detail a process whereby development is designed around a property's natural and historic features.~~

(B) ~~Conserve open land, including those areas containing unique and sensitive natural features such as rivers and streams and associated 100 year floodplains, karst features, very steep slopes, and areas required to be protected by applicable federal and state laws and regulations.~~

(C) ~~Retain and protect existing environmental, natural, and heritage resources.~~

(D) ~~Create a linked network of open spaces;~~

(E) ~~Provide full density credit and allow for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences;~~

(F) ~~Promote rural economy uses;~~

(G) ~~Provide reasonable economic use of the property; and~~

(H) ~~Impose, as necessary, conditions of approval to safeguard the public health, safety, and welfare.~~

~~6-2002 Applicability and Exemptions.~~

(A) ~~**General.** The applicant shall follow the requirements in this Section 6-2000 and shall submit a conservation design plan preceding submittal of the applications specified in 6-2002(C). County approval of a conservation design plan is required prior to any land disturbing activity, except as exempted pursuant to Section 6-2002(C).~~

(B) ~~**Applicability—Zoning Districts.** The standards and procedures contained in this section shall apply only to the following zoning districts and applicable subdistricts as specified therein:~~

(1) ~~AR 1 Agricultural Rural 1~~

(2) ~~AR 2 Agricultural Rural 2~~

(3) ~~TR 1 Transitional Residential 1~~

- (4) ~~TR 2 Transitional Residential 2~~
- (5) ~~TR 3 Transitional Residential 3~~
- (6) ~~TR 10 Transitional Residential 10~~
- (7) ~~JLMA 1 Joint Land Management Area 1~~
- (8) ~~JLMA 2 Joint Land Management Area 2~~
- (9) ~~JLMA 3 Joint Land Management Area 3~~
- (10) ~~JLMA 20 Joint Land Management Area 20~~
- (11) ~~PD CV Planned Development Countryside Village~~

~~(C) **Applicability Development Applications.** The standards in this Section 6 2000 shall apply when the applicant is required to submit the following application types:~~

~~(1) **Subdivision**, including preliminary subdivision plat, as set forth in Section 6 800, "Subdivision Approval," of the Zoning Ordinance and Chapter 1243, "Subdivision Procedures," of the Land Subdivision Development Ordinance (LSDO). Lots that have been reviewed and created pursuant to this Section 6 2000 shall not be required to go through the conservation design process again.~~

~~(2) **Site plan**, as set forth in Section 6 700, "Site Plan Review," of the Zoning Ordinance and Chapter 1244, "Site Plan Procedures," of the LSDO unless the parcel subject to the site plan has already been reviewed and approved pursuant to this Section 6 2000.~~

~~(D) **Exemptions.** This Section 6 2000 shall not apply to land disturbing activity or development of sites that are specifically exempt, as set forth in subsections (1) through (5) below:~~

~~(1) **Single Family Dwelling on Existing Legal Lot.** A legal lot of record which lot was in existence on January 7, 2003 may be developed for a single family detached dwelling use. Development on such lot shall be subject to all other applicable standards in this Zoning Ordinance, including:~~

~~(a) Section 4 1600, Mountainside Development Overlay District (MDOD);~~

~~(b) Section 4 1900, Limestone Conglomerate Overlay District (LOD);~~

(c) ~~Section 4 2000, River and Stream Corridor Overlay District (RSCOD);~~

(d) ~~Section 5 1508; Steep Slope Standards; and~~

(e) ~~All other applicable federal, state, or local regulations.~~

(2) ~~This exemption shall not apply to non residential development. All non residential development on a legal lot of record, which lot was in existence on January 7, 2003, shall be subject to this Section 6 2000.~~

(3) ~~**Agricultural Operations and Certain Rural Economy Uses.** This section shall not apply to agricultural operations that are covered by a Conservation Farm Management Plan, approved by the Loudoun County Soil and Water Conservation District or the U.S. Natural Resources and Conservation Service that includes best management practices, nor shall it apply to certain rural economy uses listed below. Structures associated with agricultural operations are not exempt from environmental provisions; however, the following rural economy uses are exempt from Section 6 2000:~~

(a) ~~Agriculture;~~

(b) ~~Horticulture;~~

(c) ~~Animal Husbandry; and~~

(d) ~~Agricultural support and services directly associated with ongoing agricultural, horticulture, and animal husbandry activities on site.~~

(4) ~~**Timber Harvesting.** Timber harvesting shall be conducted only in conformance with a Forest Management Plan approved by both the Virginia Division of Forestry and the County.~~

(5) ~~**Route 28 Highway Transportation Improvement District.** Any property within the Route 28 Highway Transportation Improvement District shall be exempt from this Section 6 2000 unless the owner or developer of the property voluntarily requests that such procedures apply.~~

(6) ~~**Minor Land Disturbing Activities.** Activities that will disturb less than 5,000 square feet in area and less than 18 inches in depth and that are not required to obtain a building permit are exempt.~~

6-2003 Review Procedures/Administration.

(A) ~~Conservation Design Plan Review Procedures.~~

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1 ~~(1) General. Any development application specified in Section 6-~~
2 ~~2002(C) in the zoning districts designated in Section 6 2002(B)~~
3 ~~shall require County approval of a conservation design plan. The~~
4 ~~County shall grant approval for a conservation design plan only~~
5 ~~upon compliance with the following provisions:~~

6 ~~(a) The applicant shall submit a conservation design plan to the~~
7 ~~County prior to or concurrently with the initial submission~~
8 ~~for approval of any application type set forth in Section 6-~~
9 ~~2002(C).~~

10 ~~(b) The conservation design plan shall demonstrate compliance~~
11 ~~with the standards established in this Section 6 2000.~~

12 ~~(c) Deviation from the approved conservation design plan~~
13 ~~without obtaining County approval shall require corrective~~
14 ~~measures to be taken by the landowner to remedy the~~
15 ~~discrepancy. The necessary corrections shall be made~~
16 ~~within ten (10) working days from the date the landowner~~
17 ~~is notified by the County of the deviation. Remediation~~
18 ~~activities shall be required to restore and/or replace the~~
19 ~~nonconforming areas to meet the County approved~~
20 ~~conservation design plan. Delay of required remediation~~
21 ~~activities beyond the ten (10) working day period shall~~
22 ~~constitute a violation of this Zoning Ordinance, and is~~
23 ~~punishable by fine as set forth in Section 6 500,~~
24 ~~"Enforcement and Penalties."~~

25 ~~(d) The Board of Zoning Appeals shall review any appeals~~
26 ~~from determination by County staff or the Zoning~~
27 ~~Administrator taken pursuant to the standards in this~~
28 ~~Section 6 2000.~~

29 ~~(2) Conservation Design Process.~~

30 ~~(a) Step 1 Site Analysis Map.~~

31 ~~(i) Contemporaneously with submission of any~~
32 ~~application type set forth in Section 6 2002 (C), the~~
33 ~~applicant shall prepare a site analysis map that~~
34 ~~provides information about existing site conditions~~
35 ~~and context, and that comprehensively analyzes~~
36 ~~existing conditions both on the proposed~~
37 ~~development site and on property within 500 feet of~~
38 ~~the site. It is the intent of this section that the~~
39 ~~information required to be presented in the site~~
40 ~~analysis map be produced primarily from existing~~
41 ~~sources, maps, and data.~~

~~(ii) The applicant shall follow the site analysis map preparation requirements set forth in the Facilities Standards Manual.~~

~~(b) Step 2 Site Inspection:~~

~~(i) After submitting the site analysis map, the applicant shall schedule a site inspection of the property by the staff and shall provide copies of the draft site analysis map prior to the on site meeting. The purpose of this site visit is to:~~

1. Familiarize staff with the property's existing conditions and special features;
2. Identify potential site development issues; and
3. Provide an opportunity to discuss site development concepts, including the general layout of primary conservation areas, rural economy conservation lands, and open space as applicable, as well as potential locations for proposed structures, utilities, roads, and other development features. Comments made by officials or staff shall be interpreted as being only suggestive. No official decisions shall be made during the site inspection.

~~(ii) The applicant shall provide a permission form to allow staff to enter the property.~~

~~(iii) County staff shall schedule the site inspection within ten (10) days of site analysis map submittal and shall invite the applicant to participate in site inspection.~~

~~(c) Step 3 Conservation and Development Areas Map.~~

~~(i) The applicant shall prepare a map to identify primary conservation areas, rural economy conservation lands, and open space areas, as applicable, and the development delineation area (DDA), in accordance with the delineation requirements described in Section 6 2004, "Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas" below.~~

~~(d) Step 4 Conservation Design Plan.~~

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- ~~6-2004 Delineation of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas.~~**

~~(A) Primary Conservation Area Delineation.~~

~~(1) The applicant shall delineate "primary conservation areas" on a conservation and development areas map, based on the requirements set forth in the following sections of the Zoning Ordinance:~~

- ~~(a) Section 4 1600, Mountainside Development Overlay District (MDOD);~~
- ~~(b) Section 4 1905(B), Karst Feature Buffers within the Limestone Conglomerate Overlay District (LOD);~~
- ~~(c) Section 4 2000, River and Stream Corridor Overlay District (RSCOD);~~
- ~~(d) Section 5 1508(C)(2)(b), Very Steep Slope Areas ; and~~
- ~~(e) Areas required to be protected by applicable federal and state laws and regulations.~~

~~(2) One hundred percent (100%) of the primary conservation areas shall be included in and credited against the rural economy conservation lands and/or open space requirements as applicable of the relevant zoning districts. However, if land in the primary conservation areas exceed the rural economy conservation lands an/or open space requirements, as applicable, such land shall be protected pursuant to the provisions of the applicable overlay districts and development standards.~~

1 ~~(B) — Rural Economy Conservation Lands Delineation (AR-1 and AR-2~~
2 ~~only). The applicant shall delineate rural economy conservation lands in~~
3 ~~the applicable AR zoning district. The total Rural Economy Conservation~~
4 ~~Lands to be set aside shall at a minimum be equal to the amount of~~
5 ~~property needed to satisfy the minimum zoning district open space~~
6 ~~requirement. However, if the amount of primary conservation areas~~
7 ~~required to be protected by this ordinance exceeds the applicable zoning~~
8 ~~district open space requirement, the primary conservation areas in their~~
9 ~~entirety shall be protected pursuant to the provisions of the applicable~~
10 ~~overlay zoning districts or development standards.~~

11 ~~(C) — Open Space Delineation (all other districts). The applicant shall~~
12 ~~delineate open space on the basis of the minimum percent open space~~
13 ~~required in each zoning district. The total open space required to be~~
14 ~~protected shall at a minimum be comprised of the sum of primary~~
15 ~~conservation areas and additional open space needed to satisfy the~~
16 ~~minimum zoning district open space requirements. However, if the~~
17 ~~amount of primary conservation areas required to be protected by this~~
18 ~~ordinance exceeds the applicable zoning district open space requirement,~~
19 ~~the primary conservation areas in their entirety shall be protected pursuant~~
20 ~~to the provisions of the applicable overlay districts and development~~
21 ~~standards.~~

22 ~~(D) — Development Delineation Area (DDA). After identifying the primary~~
23 ~~conservation areas, rural economy conservation lands, and/or open space~~
24 ~~on a site, as applicable, the applicant shall identify a DDA within which~~
25 ~~development may occur pursuant to Section 6 2006(B). DDA's may be~~
26 ~~multiple and non contiguous on a site.~~

27 ~~6-2005 Conservation Areas and Open Space Permitted Uses and Activities.~~

28 ~~(A) — Primary Conservation Areas. Only the uses and activities permitted in~~
29 ~~the environmental overlay districts or very steep slope areas listed in~~
30 ~~Section 6 2004(A)(1) shall be permitted in primary conservation areas.~~

31 ~~(B) — Rural Economy Conservation Lands (AR-1 and AR-2 Districts).~~
32 ~~Land disturbing activity as part of a development project or subdivision~~
33 ~~shall not occur in the designated rural economy conservation lands~~
34 ~~except for the following uses and activities:~~

35 ~~(1) — Open space uses as set forth in the definition of "open space" in~~
36 ~~Article VIII and the rural economy uses allowed as part of a~~
37 ~~residential cluster option in the AR districts pursuant to Section 5-~~
38 ~~703 (C)(2)(a);~~

39 ~~(2) — Conservation practices that protect or enhance the value(s) of the~~
40 ~~resource;~~

1 ~~(3) Disturbance or construction activity in the rural economy~~
2 ~~conservation lands may occur with County approval, for the~~
3 ~~following additional limited purposes:~~

4 ~~(a) Mitigation of development activities;~~

5 ~~(b) Restoration of previously disturbed or degraded areas to~~
6 ~~enhance habitat values or other natural resource values;~~

7 ~~(c) Construction of a trail or pedestrian walkway that will~~
8 ~~provide public access for educational purposes;~~

9 ~~(d) Provision of individual septic systems or communal~~
10 ~~wastewater systems package sewage disposal systems~~
11 ~~when such systems cannot reasonably be contained within~~
12 ~~the DDA or other nearby developed areas;~~

13 ~~(e) Provision of wells and water supply systems when such~~
14 ~~systems cannot reasonably be contained within the DDA or~~
15 ~~other nearby developed areas;~~

16 ~~(f) Construction of stormwater management systems when~~
17 ~~such systems cannot reasonably be contained within the~~
18 ~~DDA or other nearby developed areas; and~~

19 ~~(g) Utility installations and emergency public safety activities~~
20 ~~when such utilities and activities cannot reasonably be~~
21 ~~contained within the DDA or other nearby developed areas.~~

22 ~~(i) Construction, installation, and maintenance of~~
23 ~~utilities shall comply with all applicable state and~~
24 ~~federal requirements and permits.~~

25 ~~(ii) Utilities shall be designed and constructed in a~~
26 ~~manner that protects primary conservation areas.~~

27 ~~(iii) No more land shall be disturbed than is necessary to~~
28 ~~provide for the proposed utility or activity.~~

29 ~~(C) **Open Space In the TR Districts.** Land disturbing activity as part of a~~
30 ~~development project or subdivision shall be limited in the delineated open~~
31 ~~space to the following uses and activities:~~
32

33 ~~(1) Open space uses as set forth in the definition of "open space" in~~
34 ~~Article VIII and uses allowed in the open space as part of the~~
35 ~~residential cluster option in the TR Districts as set forth in Section~~
36 ~~5-701.~~

37 ~~(2) Conservation practices that protect or enhance the value(s) of the~~
38 ~~resource;~~

1 ~~(3) Disturbance or construction activity in open space may occur with~~
2 ~~County approval, for the following additional limited purposes:~~

3 ~~(a) Mitigation of development activities;~~

4 ~~(b) Restoration of previously disturbed or degraded areas to~~
5 ~~enhance habitat values or other natural resource values;~~

6 ~~(c) Construction of a trail or pedestrian walkway that will~~
7 ~~provide public access for educational purposes;~~

8 ~~(d) Provision of individual septic systems or communal~~
9 ~~wastewater systems package sewage disposal systems~~
10 ~~when such systems cannot reasonably be contained within~~
11 ~~the DDA or other nearby developed areas;~~

12 ~~(e) Provision of wells and water supply systems when such~~
13 ~~systems cannot reasonably be contained within the DDA or~~
14 ~~other nearby developed areas;~~

15 ~~(f) Construction of stormwater management systems when~~
16 ~~such systems cannot reasonably be contained within the~~
17 ~~DDA or other nearby developed areas; and~~

18 ~~(g) Utility installations and emergency public safety activities~~
19 ~~when such utilities and activities cannot reasonably be~~
20 ~~contained within the DDA or other nearby developed areas.~~

21 ~~(i) Construction, installation, and maintenance of~~
22 ~~utilities shall comply with all applicable state and~~
23 ~~federal requirements and permits.~~

24 ~~(ii) Utilities shall be designed and constructed in a~~
25 ~~manner that protects primary conservation areas.~~

26 ~~(iii) No more land shall be disturbed than is necessary to~~
27 ~~provide for the proposed utility or activity.~~

28
29 ~~(D) Open Space (all other districts). Land disturbing activity as part of a~~
30 ~~development project or subdivision shall be limited in the delineated open~~
31 ~~space to the following uses and activities:~~

32 ~~(1) Open space uses as set forth in the definition of "open space" in~~
33 ~~Article VIII.~~

34 ~~(2) Conservation practices that protect or enhance the value(s) of the~~
35 ~~resource;~~

36 ~~(3) Disturbance or construction activity in open space may occur with~~
37 ~~County approval, for the following additional limited purposes:~~

38 ~~(a) Mitigation of development activities;~~

- ~~(b) Restoration of previously disturbed or degraded areas to enhance habitat values or other natural resource values;~~
- ~~(c) Construction of a trail or pedestrian walkway that will provide public access for educational purposes;~~
- ~~(d) Provision of individual septic systems or communal wastewater systems package sewage disposal systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~
- ~~(e) Provision of wells and water supply systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas;~~
- ~~(f) Construction of stormwater management systems when such systems cannot reasonably be contained within the DDA or other nearby developed areas; and~~
- ~~(g) Utility installations and emergency public safety activities when such utilities and activities cannot reasonably be contained within the DDA or other nearby developed areas.~~
 - ~~(i) Construction, installation, and maintenance of utilities shall comply with all applicable state and federal requirements and permits.~~
 - ~~(ii) Utilities shall be designed and constructed in a manner that protects primary conservation areas.~~
 - ~~(iii) No more land shall be disturbed than is necessary to provide for the proposed utility or activity.~~

~~6-2006 Conservation Design Standards.~~

~~(A) Configuration of Primary Conservation Areas, Rural Economy Conservation Lands, and Open Space Areas~~ The applicant shall configure, rural economy conservation lands (in the AR 1 and AR 2 districts), and open space (in non AR 1 and AR 2 districts) in a manner to:

- ~~(1) Conform with adopted open space and trail plans, where applicable;~~
- ~~(2) Provide contiguity with other open space, agricultural lands, and conservation areas both on and off site, except that maintaining contiguity with agricultural lands is not necessary in non-agricultural districts;~~
- ~~(3) Protect unique site features and resources;~~

1 (4) ~~Provide a minimum buffer width of 100 feet from adjacent public~~
2 ~~parkland, within which no new structures shall be constructed, nor~~
3 ~~shall any clearing of forests take place.~~

4 (5) ~~Provide a minimum buffer width of 100 feet from existing~~
5 ~~agricultural activities in agricultural districts; and~~

6 (6) ~~Avoid fragmentation of primary conservation areas.~~

7 (B) ~~Development Delineation Area (DDA) Configuration.~~ The applicant
8 ~~shall configure the DDA according to the following criteria:~~

9 (1) ~~In all cases the DDA shall be located outside of all primary~~
10 ~~conservation areas. In addition, for all subdivision applications, the~~
11 ~~DDA shall be located outside the designated Rural Economy~~
12 ~~Conservation Lands and the open space area, as applicable. The~~
13 ~~DDA may be multiple and non contiguous on a site and shall~~
14 ~~indicate the specific area(s) of a site within which:~~

15 (a) ~~Land disturbing activity, including clearing and grading,~~
16 ~~shall be contained;~~

17 (b) ~~Ingress and egress for development may be provided;~~

18 (c) ~~"Building envelope(s)" of sufficient size to permit~~
19 ~~reasonable use of the property shall be located; and~~

20 (d) ~~Wells and septic systems are appropriately located based on~~
21 ~~required hydrogeologic testing, and in accordance with~~
22 ~~applicable requirements in Chapter 8 of the Facilities~~
23 ~~Standards Manual.~~

24 (2) ~~Field Designation.~~ The DDA shall be designated in the field prior
25 ~~to commencement of excavation, grading, or construction with~~
26 ~~construction barrier fencing or other methods approved by staff.~~

27 (C) ~~Roads, Driveways, Minor Utilities.~~ The applicant shall align roads,
28 ~~driveways, and minor utilities according to standards set forth in the~~
29 ~~Facilities Standards Manual and the following criteria:~~

30 (1) ~~The road plan shall provide vehicular access to each house.~~

31 (2) ~~The alignment of roads, driveway, and minor utilities shall~~
32 ~~minimize impacts on primary conservation areas.~~

33 (D) ~~Pedestrian and Maintenance Access.~~ Pedestrian and maintenance
34 ~~access to commonly owned open space, if any, shall be provided in~~
35 ~~accordance with the following requirements:~~

1 ~~(1) For commonly owned open space, as defined in the Zoning~~
2 ~~Ordinance, each neighborhood or cluster shall provide at least one~~
3 ~~centrally located access point per fifteen (15) lots. The access~~
4 ~~easement shall be a minimum of thirty five (35) feet wide.~~

5 ~~(2) Pedestrian access to conservation land or open space used for~~
6 ~~agriculture or rural economy uses may be appropriately restricted~~
7 ~~for public safety and to prevent interference with agricultural~~
8 ~~operations or rural economy use.~~

9 ~~(3) Pedestrian access to primary conservation areas may be~~
10 ~~appropriately restricted to protect resources.~~

11 ~~(E) Density/Intensity Calculations:~~

12 ~~(1) The gross land area located within any portion of a required~~
13 ~~primary conservation area shall be included as part of the total land~~
14 ~~area for purposes of calculating the permitted floor area and~~
15 ~~number of residential units in the underlying zoning district and~~
16 ~~open space. Development of the floor area and number of~~
17 ~~residential units allowed in the underlying zoning district shall~~
18 ~~occur in the DDA.~~

19 ~~(2) Up to 100% of density that would be allowed on the gross land~~
20 ~~area of the subject property shall be located within the DDA~~
21 ~~portions of the same property. Lot size and dimensions shall~~
22 ~~comply with applicable zoning district cluster subdivision~~
23 ~~standards if a cluster subdivision is being developed.~~

24 ~~6-2007 Reasonable Economic Use of Property. It is the intent of this Section 6-~~
25 ~~2000 that landowners be provided a reasonable economic use of property. If~~
26 ~~the requirements of this Section deny all reasonable economic use of property,~~
27 ~~a landowner may seek a variance in accordance with Section 6-1607,~~
28 ~~"Standards for Variances," of this Zoning Ordinance.~~

29 ~~6-2008 Ownership and Maintenance of Rural Economy Conservation Lands and~~
30 ~~Open Space.~~

31 ~~(A) Restriction on Future Subdivision and Development. All primary~~
32 ~~conservation areas, rural economy conservation lands, and open space~~
33 ~~delineated as part of the conservation design process shall be permanently~~
34 ~~restricted from future subdivision and/or development, as applicable,~~
35 ~~through an easement granted to Loudoun County.~~

36 ~~(B) Ownership Options. The applicant shall propose measures or methods~~
37 ~~for long term ownership of rural economy conservation lands and open~~
38 ~~space areas. The methods that may be used, include but are not limited to~~
39 ~~fee simple dedication to the County with county approval, ownership by a~~

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homeowner association, retention of ownership by the developer or owner,
or transfer of title to a private conservation organization.

~~(C) Management and Maintenance of Rural Economy Conservation
Lands and Open Space Areas.~~

~~(a) Unless otherwise agreed to by the County or unless the land
is dedicated to the County, the cost and responsibility of
maintaining conservation areas and open space areas shall
be borne by the property owner, condominium/homeowner
association, conservation organization, or other entity as
identified pursuant to Section 6-2008 (B), above.~~

~~6-2009 Incentives and Flexibility.~~

~~(A) Incentives for Resubmission and Redesign of Existing Approved But
Undeveloped Subdivisions. For the purpose of encouraging the
resubmittal and redesign of existing approved but undeveloped
subdivisions in the AR, TR, and JLMA zoning districts that do not meet
the purposes or standards of the Environmental Overlay Districts (MDOD,
LOD, RSCOD) and Steep Slope regulations, and principles of
Conservation Design, the County may grant the following incentives to an
applicant:~~

~~(1) Allow the full number of lots achievable under the approved
subdivision plat to be located within the Designated Development
Area by allowing lot sizes to be reduced below the minimum
required in the underlying zoning district.~~

~~(2) Reduce the applicable zoning district open space requirement by
twenty five percent (25%).~~

~~(3) Allow a full credit against the applicable open space requirement
for all primary conservation areas, including RSCOD.~~

~~(4) A reduction or elimination of applicable zoning district
dimensional standards, including but not limited to height, lot
width, yards, lot coverage, and buffers/setbacks.~~

~~(5) Use of the Rural Economy Conservation Lands or open space areas
as applicable, may be allowed pursuant to underlying zoning
districts.~~

~~(B) Zoning District Flexibility Provisions. For all development subject to
the requirements of Conservation Design, certain zoning district
dimensional and development standards may be modified as provided
below to provide flexibility in achieving the purposes of this section and~~

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1 compliance with the Environmental Overlay District (RSCOD, LOD, and
2 MDOD) and Steep Slope requirements:

3 ~~(1) Minimum Lot Size: No minimum.~~

4 ~~(2) Minimum Lot Width: No minimum.~~

5 ~~(3) Minimum Yards:~~

6 ~~(a) Residential: No minimum~~

7 ~~(b) Nonresidential (minimum):~~

8 ~~(i) Front: 15 feet~~

9 ~~(ii) Side: 9 feet Rear:~~

10 ~~(iii) Rear: 15 feet~~

11 ~~(4) Height (maximum): 45 feet (residential); 55 feet, without~~
12 ~~additional setbacks being required (nonresidential)~~

13 ~~(5) Parking (nonresidential only): Twenty five percent (25%)~~
14 ~~reduction in the required off street parking space requirement as~~
15 ~~set forth in Section 5 1102.~~

16 ~~(6) Buffering and Screening. To the extent necessary to~~
17 ~~accommodate the density/intensity of development allowed in the~~
18 ~~underlying zoning district, the Zoning Administrator may waive or~~
19 ~~reduce the buffer yard requirements set forth in Section 5 1400~~
20 ~~upon a showing that the building and/or yard has been designed to~~
21 ~~minimize adverse impacts through a combination of architectural,~~
22 ~~landscape, and/or design techniques.~~

AMENDMENTS TO ARTICLE 8 DEFINITIONS:

Accessory Building: A non-habitable subordinate building of not more than 1,200 square feet, located on a lot, the non-residential use of which is associated with and customarily subordinate to the principal building and which is located upon the same lot as the principal building. The maximum size of an accessory building is based on the size of the lot on which it is located as follows: up to 5 acres: 2,500 sq. ft., more than 5 acres up to 10 acres: 5,000 sq. ft., more than 10 acres up to 20 acres: 7,500 sq. ft., more than 20 acres: 10,000 sq. ft.

Adult Entertainment: Adult entertainment is any medium used for presenting material or performances distinguished or characterized by an emphasis on matter depicting, describing, or relating to 'Specified Sexual Activities' or 'Specified Anatomical Areas' for observation by patrons therein; or limits the presentation of such materials to persons over 18 years of age. This definition shall not apply to a legitimate theatrical performance where nudity is only incidental to the primary purpose of the performance. For the purposes of this definition, "Specified Sexual Activities" is defined as:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

And, 'Specified Anatomical Areas' is defined as:

1. Less than completely and opaquely covered: (a) human genitals, pubic region, (b) buttock, and (c) female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Banquet/Event Facility: A use in which the principal function is hosting special occasion events private parties at which food and beverages are served to groups of people, and which has facilities for the refrigeration and heating preparation of food, or which provides facilities for food through a caterer. Banquet/Event facilities, held indoors or outdoors, may also be an ancillary component of other uses such as, but not limited to: restaurants, hotels, bed and breakfasts, country inns, rural retreats, rural resorts, conference centers and similar uses. Adult entertainment shall not be permitted at a Banquet/Event Facility.

Bed and Breakfast Homestay: A private, owner occupied dwelling in which the frequency and volume of paying guests is incidental to the primary use of the building as a private residence. One to three guest rooms are made available to transient visitors. The establishment shall not contain restaurant facilities, but may provide food service for transient guests only.

Bed and Breakfast Inn (formerly Bed and Breakfast Homestay and Bed and Breakfast Inn): A business operated in one or more structures which is are used primarily for providing overnight accommodations to the public and which may include rooms for meetings as well as Banquet/Event Facility(ies) for private parties as an ancillary use, even though the An owner or manager may lives on the premises. The number of guest rooms may range from three four (43) to no more than ten (10) twenty (20). The establishment shall not contain restaurant facilities, but may provide food service for overnight guests or other transient guests only attending meetings or private parties.

Cluster Development (AR and RR Districts only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

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1 **Country Club:** A land area and structures containing a club house, dining and/or banquet facilities,
2 conference rooms, spa, fitness facilities, or recreational facilities, available to members and their guests
3 for a membership fee. A Country Club shall include an equestrian facility and/or a golf course and may
4 include swimming pools, tennis courts, squash courts, stables and riding facilities.

5 **Country Inn:** A business operated in one or more structures which offers overnight accommodations
6 and may contain meeting rooms, dining, and banquet/event facilities in a predominately rural area. The
7 number of overnight guest rooms may range from four (4) to forty (40). An owner may live on the
8 premises. ~~Overnight accommodations are available, and~~ A Country Inn may include a full-service
9 restaurant ~~provides breakfast, lunch and dinner to~~ for guests and the general public and meeting
10 facilities. A Country Inn may also include a Banquet/Event Facility as an ancillary use

11
12 **Dwelling, Accessory:** A dwelling or apartment within or detached from the principal dwelling of not
13 more than 4,200—the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not
14 more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area, the use of which is
15 associated with and subordinate to the principal dwelling and which is located upon the same lot as the
16 principal dwelling.

17
18 **Guest House:** Dwelling or lodging units for temporary non-paying guests in an accessory building of
19 not more than the lesser of (i) 70% of the gross floor area of the principal structure and a footprint not
20 more than 70% of the principal structure or (ii) 2,500 square feet of gross floor area.

21
22 **Originating Tract:** A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the
23 subject of a subdivision through either the “Principal/Subordinate” or “Cluster” subdivision options as
24 identified in the Zoning Ordinance. This designation is for the purpose of establishing a base density of
25 development in order to implement these two subdivision options.

26
27 **Principal Lot:** One of the types of lots permitted within the Principal/Subordinate Subdivision
28 Development Option. Permitted density is assigned to the Principal Lot for purposes of tracking the
29 number of lots which can be subdivided within the development. The Principal Lot may be further
30 subdivided up to the maximum number of lots assigned to the Originating Tract of the subdivision.

31
32 **Principal/Subordinate Subdivision Option:** A division of land in which a maximum lot yield is
33 calculated for an Originating Tract based on the gross acreage of such tract. The Principal/Subordinate
34 Subdivision option results in the creation of one Principal Lot and one or more Subordinate Lots. Lots
35 are served by individual well and septic systems located on the subject lot.

36
37 **Private Club or Lodge:** A structure or facilities owned or operated by an organization of persons for
38 special purposes, such as the promulgation of sports, arts, literature, politics, but not operated for profit, and
39 excluding churches, synagogues, other houses of worship, and also excluding structures and uses associated
40 with commercial or non-commercial outdoor recreation. Adult entertainment shall not be permitted at a
41 private club or lodge.

42
43 **Private Parties:** Events that are not open to the public and are by invitation only.

44
45 **Rural Cluster Lot:** A type of lot located within an AR-1 or AR-2 District cluster subdivision.

46
47 ~~**Rural Agricultural Corporate Retreat:** A use compatible to the primary land use of agriculture,~~
48 ~~horticulture, animal husbandry, open space and/or historic preservation, which is engaged in the study,~~
49 ~~testing, design, invention, evaluation, and development of new technologies, techniques, processes, or~~
50 ~~services. Rural Agricultural Corporate Retreats are to be utilized for basic and applied research wherein~~

1 ~~the scientific inquiry process is conducted in a manner similar to that of institutions of higher learning.~~
2 ~~Rural Agricultural Corporate Retreat facilities may include facilities for associated training programs,~~
3 ~~seminars, conferences, and related activities. No outdoor storage related to the corporate retreat use is~~
4 ~~permitted. No on site retail or wholesale sales are permitted.~~

5
6 **Rural Corporate Retreat:** A use, compatible with agriculture, horticulture, animal husbandry, open
7 space and/or historic preservation, which is engaged in the study, testing, design, invention, evaluation,
8 or development of technologies, techniques, processes, or professional and consulting services, and
9 education and training related to such advances and services. Rural Corporate Retreats may be utilized
10 for basic and applied research wherein the scientific inquiry process is conducted in a manner similar to
11 that of institutions of higher learning. Rural Corporate Retreat facilities may include facilities for
12 associated training programs, seminars, conference, and related activities. No outdoor storage related to
13 the corporate retreat use is permitted.

14
15 **Rural Economy Lot:** A type of lot located within an AR-1, AR-2, RR-1 or RR-2 District cluster
16 subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1, AR-2,
17 RR-1 or RR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with
18 residential uses permitted in association with a rural economy use.

19
20 **Rural Residential Lot:** A type of lot located within a RR-1 or RR-2 District cluster subdivision. The
21 primary use of such lot is residential.

22
23 **Sewer, Public:** A central, communal or municipal wastewater treatment system serving more than two
24 (2) lots owned or operated by a municipality, the Loudoun County Sanitation Authority (LCSA), or a
25 public sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia,
26 for the collection, treatment and disposal of sewage.

27
28 **Sewer System, Central:** The sewage treatment system for Eastern Loudoun County owned and
29 operated by the LCSA that is served by the Blue Plains and/or Broad Run treatment plants, and/or
30 capacity supplied by the Upper Occoquan Sanitary Authority.

31
32 **Sewer System, Communal:** A sewage treatment system for the collection, treatment and/or
33 disposal of sewage operated and/or owned or operated by the LCSA, or operated by a public sewer
34 (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is
35 designed to serve small-scale development, including clusters, where permitted by this Ordinance.
36 Such system may serve only one lot, where a communal system is required by this Ordinance for a
37 specific use.

38
39 **Sewer System, Municipal:** A sewage treatment system that is owned or operated by one or the
40 incorporated towns within Loudoun County.

41
42 **Sewage disposal system, individual:** A complete system for the collection, treatment and/or disposal
43 of sewage, located on the lot served.

44
45 **Small Business:** A business or service which may be conducted in a private residence that is considered
46 temporary for the purpose of starting a new business and operates according to the restrictions and
47 standards established by this Ordinance accessory and subordinate to the permitted principle residential use.
48 The principle owner or operator of a small business must be a member of the family residing on the
49 premises. For the purposes of this definition the following terms have the meaning herein ascribed to them:

- 1 a. ~~Accessory building Structure. A building structure used for a small business and consistent with the~~
2 ~~definition of "accessory building" in Article VIII.~~
- 3
- 4 b. Business vehicles. Automobiles, vans, pick-up trucks, motorcycles, and other similar vehicles
5 requiring Department of Motor Vehicle tags and designed and primarily used to transport people.
6 Business vehicle may not have more than two axles.
- 7
- 8 c. Employees. Persons, other than the members of the household permanently residing on the
9 premises, who are engaged onsite in the operation of the small business on a regular or occasional
10 basis.
- 11
- 12 d. Heavy equipment. Bulldozers, fork lifts, compactors, paving cutters, backhoes, skid loaders, and
13 any other motorized or similar equipment which is primarily used to perform heavy work activities,
14 and not used to transport passengers, and which do not require or use Department of Motor Vehicle
15 tags; and dump trucks requiring 26,000 pounds gross vehicle weight; and passenger and tour buses,
16 excluding school buses and 16-seat commuter vans; and vans and large pick-up trucks modified for
17 heavy work, all of which are used for off-site income producing purposes.
- 18
- 19 Any heavy equipment used principally for agricultural uses onsite may be used offsite for small
20 business uses listed in Section 5-614(D). The term "heavy equipment" includes all vehicles not
21 classified as "business vehicles", as defined above, which are associated with the small business.
22 Additionally, trailers used for transporting heavy equipment are considered accessory to the heavy
23 equipment.
- 24
- 25 ~~e. Small business. A home based business that operates according to the restrictions and standards~~
26 ~~established by this Ordinance. The business or service shall be accessory and subordinate to a~~
27 ~~permitted principal residential use. All restrictions included in the definition of "home occupation"~~
28 ~~in Article V shall apply to the extent they are consistent with the provisions of this section.~~
- 29
- 30 f. Storage yard. An outdoor space accessory to a permissible use, enclosed on all sides by a solid
31 fence, and used for the purpose of storing equipment, vehicles, construction materials and similar
32 items necessary to a permissible business.
- 33

34 **Special Event:** A temporary commercial or festive activity or promotion at a specific location that is
35 open to the public and is planned or reasonably expected to attract large assemblies of persons.
36 ~~Temporary~~ Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or
37 concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian
38 shows, firework displays and events, or similar events open to the public ~~corporate receptions, and~~
39 ~~weddings.~~ In addition, a private party held at properties other than a Banquet/Event Facility (including
40 Hotel, Conference Center, Restaurant, Bed and Breakfast, Country Inn, Rural Retreat or Rural Resort or
41 similar facility) shall not be deemed a special event. A private party which is held at a location other
42 than the foregoing or held on property other than property which is occupied by the host, shall be
43 deemed a special event. "Special event" does not include temporary or seasonal retail sales of goods,
44 products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other
45 similar seasonal goods.

46

47 **Subordinate Lot:** One of the types of lots permitted within the Principal/Subordinate Subdivision
48 Development Option. Subordinate Lots may not be further subdivided.

49

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1 **Water, public:** A central communal or municipal water supply system serving more than two (2) lots
2 owned or operated by a municipality or the Loudoun County Sanitation Authority (LCSA) or a public
3 water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia for the purpose of
4 furnishing potable water.

5 |
6 **Water Supply System, Central:** The water supply system for Eastern Loudoun County owned and
7 operated by the LCSA for which the source of water is purchased from the City of Fairfax and
8 County of Fairfax water supply system.
9

10 **Water Supply System, Communal:** A water supply system owned or operated by the LCSA or a
11 public water utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia that is
12 designed to serve small-scale development, including clusters, where permitted by this Ordinance.
13 Such system may serve only one lot, where a communal system is required by this Ordinance for a
14 specific use.
15

16 **Water Supply System, Municipal:** A water supply system that is owned or operated by one of the
17 incorporated towns within Loudoun County.
18 |

19 **Water supply system, individual:** A water supply system located on the lot served.

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COUNTY OF LOUDOUN

DEPARTMENT OF BUILDING AND DEVELOPMENT

MEMORANDUM

DATE: July 20, 2006

TO: Loudoun County Board of Supervisors

FROM: Melinda M. Artman, Zoning Administrator *mma*

SUBJECT: Draft checklist for Minor Rezoning to the RR districts

Attached please find a draft checklist for those applications taking advantage of the minor rezoning option to the Rural Residential districts. I have coordinated with John Merrithew in the Planning Department on this draft checklist. Mr. Merrithew has suggested removing items from the current rezoning checklist that relate to suburban applications and planned districts. He also suggests removing items that staff can ascertain from our own records or from the Office of Mapping and Geographic Information.

cd: Julie Pastor, Director of Planning
John Merrithew, Assistant Director of Planning

ZMAP

ZONING MAP AMENDMENT APPLICATION Rural Zoning Option

Checklist of Minimum Requirements

Loudoun County Zoning Ordinance Section 6-1203(A):

Pre-Application Conference. Prior to filing an application, an applicant shall meet with the Director of Planning and discuss his intentions with regard to a given application and questions regarding the procedures or substantive requirements of this Ordinance. In connection with all such conferences, the Zoning Administrator shall be consulted as appropriate. A request for a pre-application conference shall be made in writing to the Director of Planning and shall be accompanied by sketch maps of the site, a description of the existing environmental, topographical and structural features on the site, the proposed project or use, graphics that illustrate the scale, location and design of any buildings or structures to the extent known, and a list of the issues to be discussed at the conference. No matters discussed at said meeting shall be binding on either the applicant or the County. The Director of Planning shall respond to each written request for a pre-application conference within fifteen (15) calendar days. If a pre-application conference is not scheduled within thirty (30) calendar days of a request for such conference, then the applicant may request a waiver of the conference. The Planning Director may waive the pre-application conference requirement in cases where the Director finds such a waiver is not detrimental to the applicant or the County.

The current submission fee is \$15,730.00 for the first 200 acres + \$80.00 per acre thereafter.

See Section 6-1211(E) of the 1993 Zoning Ordinance for matters that will be considered by the Planning Commission.

Revised March 2001

A374

LOUDOUN COUNTY DEPARTMENT OF PLANNING
1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, Leesburg, VA 20177

Metro 478-8416
Local (703)777-0246

MINIMUM SUBMISSION REQUIREMENTS FOR ZONING MAP AMENDMENT APPLICATION

Application No. _____

TO BE COMPLETED BY THE APPLICANT

Project Name: _____

Proposed Use: _____

Project Location: _____

Tax Map #(s): _____

Parcel #(s): _____

Parcel Owner(s): _____

Telephone No.: _____

Applicant/Authorized Agent: _____

Telephone No.: _____

Engineer/Surveyor: _____

Telephone No.: _____

Attorney: _____

Telephone No.: _____

Signature of Person Completing Checklist: _____ Date: _____

TO BE COMPLETED BY THE PLANNING OFFICE PERSONNEL

Date Received: _____ Date Reviewed: _____

Reviewed by: _____ Date Accepted/Not Accepted: _____

Reason(s) For Not Accepting: _____

MCPI Number(s): _____

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- A. **APPLICANT RESPONSIBILITIES.** The applicant must complete all of the information contained in this checklist, or present written approval for any deviation therefrom. Written approval from the designated department for any deviation from mandatory requirements must be obtained prior to application submission.

Where proposed project information is requested in this checklist for adjacent property to the proposal, this information may be limited to projects on file with the County or with an adjacent incorporated town or surrounding jurisdiction.

All plats or plans submitted with this application shall be folded to a size of approximately 8½" x 11" with the title block visible.

If the application is judged incomplete, the staff will identify in writing the deficiencies that must be corrected. The application will not be accepted for processing. The fee and materials will be returned to the applicant.

All required forms are available in the Department of Planning.

Approved Deviations:

A letter signed by the applicant and by the owner of the property granting the right of entry upon the property to the Zoning Administrator, law enforcement agents, and County inspectors for the purpose of inspecting, and bringing law enforcement to the property, during the term of any permit which may be issued is required.

B. LAND DEVELOPMENT APPLICATION FORM. Submit a completed land development application form, including the following:	SUBMITTED		
	YES	NO	N/A
1. Applicant's name and address and ownership interest in the subject property.			
2. The name and address, and signed written consent of all those having an ownership interest, if different than the applicant filing the application.			
3. The names and addresses of all consultants representing the applicant with respect to the proposed development plan.			
4. The tax map identification number; MCPI number. ¹			
C. CERTIFICATE OF PAYMENT OF TAXES. Provide a certificate verifying that real estate taxes have been paid for all property included in the application. (<i>A certificate of payment of taxes is available from the Treasurer's Office.</i>)			
D. USE VALUE ASSESSMENT PROGRAM. Provide a statement which identifies any parcel(s) currently subject to the County's Use Value Assessment that are included as part of this application. (<i>A Land Use certificate is available from the Department of Financial Services.</i>)			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

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	SUBMITTED		
	YES	NO	N/A
<u>DISCLOSURE OF REAL PARTIES IN INTEREST</u> . Provide completed disclosure form(s).			
<u>FEES</u> . Provide a check made payable to the County of Loudoun.			
<u>RECORD OF PRE-APPLICATION CONFERENCE</u> . Provide a copy of the documentation provided at the Conference. ⁴			
<u>STATEMENT OF JUSTIFICATION</u> . Provide 22 copies of a written Statement of Justification including the following:			
A Project Summary detailing the following:			
The present and proposed zoning classification ² and use of the subject property and adjacent land. If an existing or proposed zoning district line does not follow roads, waterways, or property lines, a metes and bounds description of the district boundary is required.			
The planned use designation of the property and adjacent land as contained in the Comprehensive Plan ⁴ and taxing district, ¹ if applicable.			
2. A written statement describing the proposed development's compliance with the environmental, cultural, land use, economic and fiscal, and design goals and policies of the Comprehensive Plan.			
3. Address the matters for consideration contained in Section 6-1211(E) of the Zoning Ordinance. ¹			
<u>VICINITY MAP</u> . Provide 22 copies of a map labeled "Vicinity Map" at a scale of 1" = 1000', 8½" x 11" in size with approximate Virginia coordinate grid information with the proposal's property centered on the map ¹ . <u>The Vicinity Map may be combined with the Existing Conditions Plat or Concept Development Plan</u> . Include the following information on the map:			
Approximate location of roads and any streets connecting to the proposed project and street names or numbers; major streams or rivers; the Potomac River; the W&OD trail. ¹			
Project boundaries and all existing lot boundaries (as shown on the County parcel maps) within the project and surrounding the project within the vicinity map area. ¹			
Jurisdictional boundaries. ¹ (if applicable)			
Existing development of the subject property and the use and development of all land within 200 feet thereof. ¹			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

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	SUBMITTED		
	YES	NO	N/A
<u>Concept Plan – Existing Conditions Map.</u> Provide 22 copies of an existing conditions plat map at a scale of 1"=200' (or other appropriate scale as approved by the Director of Planning), including the following:			
<u>Rezoning Plat.</u> A survey showing property and zoning boundary lines, metes and bounds, property acreage and acreage of area to be rezoned, if different, scale and north arrow, utility transmission lines and public rights-of-way crossing and adjacent to the subject property. ¹			
Topography at contours not more than five (5) feet.			
Steep slopes. ¹			
Water courses, drainage ways, ponds, wetlands, lakes and bodies of water. ¹			
5. The location and general description of vegetation and existing tree cover including:			
A description of type and extent of tree cover that identifies canopy, understory growth and other flora.			
b. An inventory of evergreen trees with calipers of 14 inches or larger and deciduous trees with calipers of 22 inches or larger (measured 4.5 feet above the ground).			
c. Endangered species habitat⁵			
The delineation of major and minor floodplain, where applicable. Use and identify the source as the floodplain map of Loudoun County.¹			
Soils as shown on the Loudoun County Soil Survey,⁴ including hydric soils groups.			
Location of arterial and collector streets roads and any local streets crossing, connecting, or adjacent to the proposed project with street names or numbers.			
A delineation of existing structures, <u>any known grave, object, or structure marking a place of burial, as determined by record search and visual survey, and features such as roads, stonewalls, fences, structures, and other prominent features as shown on the County PCT maps.</u> and an indication of their date of construction, as determined by record search and visual survey, and whether it is planned that they be retained or demolished. The applicant must also conduct a survey of historic architecture, known and potential historic and archaeological sites to determine whether the proposed development will impact those resources as preservation or mitigation of the resources may be required.			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning
5. Information available from the State Department of Natural Resources

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	SUBMITTED		
	YES	NO	N/A
10. Approximate delineation of any known grave, object, or structure marking a place of burial, as determined by record search and visual survey.			
11. Features such as roads, stonewalls, fences, structures, and other prominent features as shown on the County PCT maps.⁴			
Limits of overlay districts on the property. (HCC, AI, FOD, MDOD). ^{1 OR 2}			
Identification of any Federal or State permits or conditions that directly limit development on the subject property.			
14. A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4 and 355; all hazardous waste as set forth in Commonwealth of Virginia Department of Waste Management.			
K. CONCEPT PLAN. Provide 22 copies of a Concept Development Plan. The Plan shall include a title block identifying the project, owner, tax map and MCPI numbers, election district, plan date and revision dates. The Concept Plan may be combined with the existing conditions information submitted under Item J. The Plan shall be at a scale of one inch to 200 feet or other appropriate scale as approved by the Director of Planning [at least one (1) set shall be at a scale of one inch to 200 feet]. The plat shall depict or describe the following features of the development:			
A land use plan map <u>identifying existing and proposed lots, buildings and uses with a description of the type, location, and nature of land use and building type within each area of the development; and the existing and proposed zoning district boundary lines. The acreage, proposed density and lot requirements of each area or land bay is to be noted on the map.</u>			
a. For residential districts (non-PDH): a plan that shows the potential lot layout for single family detached units that includes setback lines and streets; for single family attached units: a plan that shows lot layout, setbacks, travelways and the required parking; for multi-family units: the footprint of buildings to reflect the proposed FAR, setback lines, and the required parking and travelways.			
For non-residential <u>uses</u> districts (non-PDH) , a footprint of buildings reflecting the proposed <u>size</u> FAR, setback lines, and the required parking and travelways.			
c. Adjacent roadway, sidewalks, pedestrian and bicycle trails information.			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

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	SUBMITTED		
	YES	NO	N/A
d. Existing and proposed abutting roads and their right-of-way widths within and abutting the property.			
e. Existing nonresidential access points, existing and proposed roadway intersections and median breaks.			
f. Major roads identified in the County Transportation Plan and roads identified in the current Loudoun County/VDOT six-year plan.			
A proposed traffic circulation map that illustrates both external and internal traffic ways, including existing and proposed rights-of-way, travel lanes, major pedestrian and bike paths and trails, school bus stops/shelters, park and ride lots, and other transit or multi-modal related facilities, and other transportation improvements.			
3. A land use map that overlays the proposed land use and transportation elements over the existing conditions information submitted under Item J. (NOTE: Intended to show the changes in topography, drainage, water features, trees and vegetation, etc., anticipated as a result of the proposed development. And to also show the measures proposed to protect or enhance the above features as well as known or potential historic features or structures, archaeological sites or cultural resources as part of the development process.)			
The proposed plan for all major sanitary sewer improvements and a general description of the means of providing water service; the approximate location and estimated size of all proposed stormwater management facilities and a statement as to the type of facility proposed.			
A description and the general location of all proposed community and public facilities (schools, fire protection, libraries, parks and similar services) that would serve the project.			
6. For adjacent property within 200 feet including property across the road from project:			
a. Approved and proposed projects or subdivision names, lot lines, section and lot numbers ¹ and zoning. ²			
b. Existing and proposed land uses at time of submission; lots; existing structures within 200' of the proposed project. ⁴			
c. Adjacent open space easements, park and recreation land.			
A delineation and description of the open space areas and amenities that are proposed within the development (i.e. community center, park or pool; natural areas to be preserved and incorporated into the design, etc.).			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

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	SUBMITTED		
	YES	NO	N/A
8. A statement of those special amenities that are proposed within the development (i.e. community center, park or pool; natural areas to be preserved and incorporated into the design, etc.).			
A statement identifying easements and restrictive covenants relating to the establishment of common open space or service facility within the planned development ² and the establishment and activation of any entity that is to be responsible for the management and maintenance of any public or private common open space or service facility.			
10. The Concept Development Plan shall include a note indicating the applicant's obligation to establish any separate entity to maintain open space or service facilities prior to approval of the first record plat in the proposed development in a form approved by the County.			
Applicant's name and signature.			
12. If requested by the Planning Director the applicant shall provide:			
a. A minimum of two cross-sections on each land bay in the proposed development where a grade change of 3 feet or more is proposed or where buildings are proposed. The cross-sections shall illustrate existing and proposed topography, height and density of vegetation and the dimensions of proposed buildings.			
b. For projects adjacent to existing residentially zoned or used property, three-dimensional sketches providing a "bird's eye" (45°) view and at least two eye-level perspectives (30°) of the project illustrating the relationship between the proposed development and the surrounding community.			
NOTE: The cross sections and/or sketches shall be provided no later than the applicant's response to the initial agency comments (referrals).			
L. ELEVATIONS. If requested by the Planning Director, the applicant shall provide front, side, and rear elevations of all non-residential buildings proposed as part of the development where they abut residentially occupied property.			
<u>INFORMATION TABULATION.</u> Provide a tabulation of the following information on the concept development plan:			
The maximum total number of dwelling units proposed, by type of structure, by subarea or land bay if applicable.			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

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	SUBMITTED		
	YES	NO	N/A
The maximum total square feet of building floor area proposed for nonresidential uses by type of use, by sub-area or land bay if applicable.			
The total land area, expressed in acres and as a percent of the total development area, proposed to be devoted to residential and non-residential uses; land area devoted to passive open space, active recreation, parking, etc.			
The minimum lot requirements for each proposed use, if different than the minimum lot requirements specified in the Zoning Ordinance for the district in which the lot is to be located. ²			
A schedule showing the number of parking spaces provided and the number required by the provisions of Sections 5-1100. ²			
N. PHASING PLAN. If the development is proposed for construction in phases during a period extending beyond a single construction season, a proposed phasing plan shall be submitted stating the proportion of the total public and private open space and public improvements and the proportion of each type of proposed use to be provided or constructed during each such stage and overall chronology of development to be followed from stage to stage.			
<u>TRAFFIC STUDY.</u> Provide 6 copies of a traffic analysis indicating the relationship of the proposed development to traffic, road and transit use and plans according to FSM Section 4-200B.			
A listing, if known, of all hazardous or toxic substances as set forth in Title 40, Code of Federal Regulations Parts 116.4, 302.4			
P. MODIFICATIONS. (For Planned Development Rezoning only). A statement identifying each of the planned development regulations — or the applicable provisions of this Ordinance that the applicant proposes to be modified as part of the Concept Development Plan and the justification therefore.			
<u>COMMUNITY MEETINGS.</u> The applicant must submit a list or schedule of meetings between the applicant and the surrounding communities either held or scheduled to be held.			
<u>MAILING LABELS.</u> The applicant must submit two (2) sets of pre-printed address/ mailing labels with addresses of all adjacent property owners.			

1. Information available from the Office of Mapping
2. Information available from the Department of Building and Development
3. Information available from the Clerk of the Circuit Court
4. Information available from the Department of Planning

CERTIFICATION OF APPLICATION SUBMISSION.

I hereby certify that the above stated information is included in the attached zoning map amendment application and accompanying materials.

APPLICANT SIGNATURE _____

DATE _____

A382

From: Sara Howard-O'Brien
To: Lohr, Michelle
Date: 7/12/2006 4:48:24 PM
Subject: Fwd: Cost Estimates for ZCPA/SPEX Process

Michelle: here's the email that I sent Jack back in March on a similar question. I double checked the cost of a Phase II (if needed) and that is approximately \$50,000. There is also a Phase III that is sometimes needed and that is even more expensive than the Phase II.

In addition to the figures below, if the applicant has an attorney representing their case there would be additional costs. For a minor SPEX, perhaps the engineer and applicant would not need an attorney. I hope this is helpful to you. Call me if you have additional questions. Of course, I'm out tomorrow and Friday. Sara

>>> Sara Howard-O'Brien 3/29/2006 12:31 PM >>>
Jack:

Per your request I am providing typical costs for the studies and plans required to file a zoning concept plan amendment and special exception. These costs vary based on the site size and characteristics (open fields versus wooded area for example). The costs below are recent costs for a typical 100 acre school site:

Wetlands Study: \$18,350.00
Tree Inventory: \$ 3,000.00
Rare/Endangered Species: \$8,000.00
Archaeological: \$37,400.00
Conslt Mtgs/Calls/Reimburseables: \$11,200.00 (in relation to above 4 studies)
Traffic Study: \$12,000.00 (this varies widely depending on the site/#of intersections studied)
Engineering/Zoning Plans: \$32,000.00

Total Estimate: \$122,250.00

These figures do not include LCPS Staff time for application preparation , coordination with consultants, or processing the application. It also does not include County staff time. Application fees for school sites are waived. I trust this will be useful to you. Let me know if I can be of further assistance. Sara

Sara Howard-O'Brien
Land Management Supervisor
Loudoun County Public Schools
Planning and Legislative Services
21000 Education Court
Ashburn, Virginia 20148
Phone: 571-252-1156
Fax: 571-252-1101
E-mail: SHOWARD@LOUDOUN.K12.VA.US

1241.05 Definitions

"Division"- The creation of lots in the AR-1 and AR-2 Zoning Districts pursuant to Section 1241.06 of the LSDO and Sections 2-103 and 2-203 of the Loudoun County Zoning Ordinance, as amended.

"Land use and use of land" shall include "building use" and "use of building."

"Lot" - A numbered and recorded portion of a tract, division, or subdivision intended for transfer of ownership or for development. "Lot" shall include the words "plot" and "parcel".

"Lot line" - A line dividing one lot from another or from a street or other public or private area.

"Officially submitted" - The status of a plan or plat which has been determined by the Director to have been filed in accordance with all submission requirements of this ordinance, including the Facilities Standards Manual. The date on which the plat or plan is officially submitted shall establish the filing date for the plat or plan.

"Originating Tract"- A lot or parcel of land in the AR-1 or AR-2 Zoning District which is to be the subject of a subdivision through the "Principal/Subordinate" Subdivision Option as identified in Sections 2-103 and 2-203 of the Zoning Ordinance. This designation is for the purpose of establishing a base density of development in order to implement this subdivision option.

"Principal Lot"- A lot or parcel of land in the AR-1 or AR-2 Zoning District which has been created through the "Principal/Subordinate" Subdivision Option as identified in Sections 2-103 and 2-203 of the Zoning Ordinance. Future subdivision and development of such lots are restricted by the requirements contained in the AR-1 and AR-2 Zoning Districts.

"Plan" - The proposal for a development or a subdivision, including all covenants, grants, or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the ordinance to which the proposed development or subdivision is subject.

- (a) **Preliminary plat:** A plat of a proposed land subdivision or development showing the character and proposed layout of the tract. Also referred to as "preliminary plat of subdivision" when pertaining to a subdivision.
- (b) **Construction plan:** A plan including specifications for improvements as

required by this Ordinance, the Facilities Standards Manual, Erosion Control Ordinance of Loudoun County, and the Virginia Department of Transportation.

- (c) **Site plan:** A site plan is a "plan of development" within the meaning of Virginia Code Section 15.2-2286, as further defined in the Zoning Ordinance.
- (d) **Site plan amendment:** A minor change or revision to a previously approved site plan as defined in the Facilities Standards Manual.
- (e) **Record plat:** A plat of a subdivision which, when approved, shall meet all the applicable requirements of this Ordinance and the Zoning Ordinance and shall be in a form suitable for recording.
- (f) **Preliminary/record plat:** A plat of subdivision that meets all requirements of both a preliminary plat and record plat and is submitted as a combined application.

"Subdivision" - The division of any parcel of land into two (2) or more new parcels, each separately transferable from the other, and shall include condominium development; ~~provided however, that a division of a tract in the A-25 District, in accordance with the provisions of the Zoning Ordinance, by a plat which bears the certificate of approval of the Zoning Administrator pursuant to Section 1241.06, shall not be considered a subdivision for the purposes of this Ordinance.~~ Separation of interests in land for the purpose of lease, transfer of (partial) undivided interest, granting or extinguishment of easements, subordinating or otherwise affecting the priority of liens, plats of confirmation, and any other such transfers of interests in land not directed at the creation of new, separately transferable parcels shall not be considered as an act of subdivision.

"Subdivider" - An individual, corporation, proprietor, trust, trustee, joint venture, partnership, or other entity owning any tract, lot, or parcel of land to be subdivided; or a group of two or more persons or entities owning any tract, lot, or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual or entity to act on their behalf in planning, negotiating, representing, or executing the legal requirements of the subdivision.

"Subdivide" - The creation of a subdivision.

"Subordinate Lot" - A lot in the AR-1 or AR-2 Zoning District created pursuant to the "Principal/Subordinate Subdivision Option" as identified in Sections 2-103 and 2-203 of the Zoning Ordinance. Future subdivision of such lots is restricted by the requirements contained in the AR-1 and AR-2 Zoning Districts.

"Surveyor" - A certified land surveyor licensed by the Commonwealth of Virginia.

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1241.06 A-25 Lot Creation in the AR-1 and AR-2 Zoning Districts ~~Parcel Divisions~~

Lots within the AR-1 and AR-2 Zoning Districts may be created under one of the following three development options:

- (1) Division - Lots proposed to be created in accordance with the Base Density Division Option contained in the Zoning Ordinance may do so in accordance with the following procedures:
 - (1A) A request for certificate of approval of a plat of ~~D~~ivision pursuant to Section 2- of the Zoning Ordinance, shall contain the following:
 - (a) The proposed plat of ~~D~~ivision; and
 - (b) Unexecuted deed or deeds granting any required street dedication necessary to satisfy the requirements of the Zoning Ordinance; and
 - (c) An unexecuted Private Roads Maintenance Agreement if private access easements are to be established.
 - (d) A letter signed by the Health Director evidencing conformance with applicable requirements of the County Health Department.
 - (2B) The ~~Zoning Administrator~~ Director shall, within thirty (30) days after receipt of such plat and accompanying deeds, if applicable, review such plat and either execute the certificate of approval thereon or deny approval stating the specific reasons for such denial.
 - (3C) In conducting such review the ~~Zoning Administrator~~ Director shall determine whether such plat meets all of the requirements of the Zoning Ordinance and plat requirements contained in Chapter 8.103.8 of the FSM and Section 1241.06 of this Ordinance.
- (2) Principal/Subordinate Subdivision Option-Lots proposed to be created in accordance with the Principal/Subordinate Subdivision Option contained in the Zoning Ordinance shall be developed in accordance with the following procedures.
 - (A) The creation of a single Subordinate Lot shall follow the procedures and requirements of the provisions of Section 1243.05.1
 - (B) The creation of more than 1 Subordinate Lot but less than 5 Subordinate Lots at a time shall follow the procedures and requirements of Preliminary/Record Plat requirements.

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- (C) The creation of more than 4 Subordinate Lots at a time shall follow the procedures and requirements of Preliminary Plat of Subdivision.
 - (D) The creation of Subordinate Lots intended for members of the immediate family as identified in Section 1243.04 shall follow the process and requirements associated with family subdivisions.
3. Cluster Subdivision - Lots proposed to be created in accordance with the Cluster Subdivision provisions of the Zoning Ordinance shall be developed in accordance with the following procedures.
- (A) The creation of a single cluster lot shall follow the procedures and requirements of the provisions of Section 1243.05.1.
 - (B) The creation of five (5) lots or fewer shall follow the procedures and requirements for a Preliminary/Record Plat.
 - (C) The creation of more than 5 lots shall follow the procedures and requirements for a Preliminary Plat of Subdivision.

1243.04 Family Subdivisions

A single division of a lot or parcel into no more than six (6) additional lots for the purpose of sale or as a gift of each of said lots to a member of the immediate family of the property owner is permitted subject to the provisions of the Code of Virginia, 1950, as amended, and the requirements of this Section 1243.04. No person who has previously received a conveyance of land as a grantee under Section 15.2-2244, Section 15.1-466(A)(12) or (13) or Section 15.1-466(G) or any predecessor Section of the Code of Virginia, 1950, or any local ordinance enacted pursuant thereto shall be eligible to be a grantee of a lot or parcel created pursuant hereto. Any such division shall not be for the purpose of circumventing this chapter or other chapters of the Loudoun County Code. For the purpose of this section, "a member of the immediate family" is defined as any natural person who is a natural or legally defined child, stepchild, grandchild, spouse, brother, sister or parent of the property owner; and "property owner" is defined as the natural person(s) (a) who is the sole owner of the property; or (b) who is the

- (i) sole owner of all stock or other documents of ownership of the corporation, or
 - (ii) sole partner of the general partnership, or
 - (iii) sole managing partner of the limited partnership, or
 - (iv) sole member of the limited liability company, or
- sole trustee and sole beneficiary, with sole possession of any right of revocation, of the trust, that is the sole owner of the property. Such conveyance to a member of the

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immediate family may be made to such member and his or her spouse if title is conveyed to them as tenants by the entirety.

1245.02 Private Access Easement Roads

Private access easement roads designed and constructed in accordance with the Facilities Standards Manual may serve as frontage in lieu of public street for the following types of development lots:

1. Up to a maximum of seven (7) lots
 - (a1) Family Subdivisions (See Chapter 1243).
 - (b2) Structures contained in a Historic Site (HS) District (See Section 6-1800, Zoning Ordinance).
 - (c3) Cluster subdivisions in the A-10, Low Density Rural District.
 - (4) ~~Low Density 25 Acres Residential Developments (See Section 5-701, Zoning Ordinance).~~
 - (d5) Subdivisions in the ~~A-25~~ and A-10 Zoning Districts.
 - (e6) Subdivisions utilizing the Rural Hamlet Option or Countryside Hamlet Option (~~See Sections 5-702 and 5-703 Zoning Ordinance~~).
 - (f7) Development in accordance with the provisions of the Rural Village Conservancy in the PD-RV District (See Section 4-1204, Zoning Ordinance).
 - (g8) Lots created for use by LCSA, VDOT, municipal utilities, public utilities as defined in section 56-232 of the Virginia State Code, or public service corporation as defined in Section 56-1 of the Virginia State Code and meets the requirements of Section 5-621 (See Section 1-404(B)(2), Zoning Ordinance).
 - (h) Divisions as defined in Chapter 1241 of this Ordinance in the AR-1 and AR-2 Zoning Districts.
2. Up to a maximum of 25 lots.
 - (a) Subdivisions in the AR-1, AR-2, RR-1, RR-2 Zoning Districts.

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1245.10 On-site Sewage Disposal Systems

No preliminary plan of subdivision shall be approved where a well and/or sewage disposal system is to be provided for each building lot in the subdivision, until written approval of proposed locations for such systems has been secured from the Health Director. Such approved locations shall be shown to scale on the preliminary plan and on the record plat.

The Health Director, or his designee, shall review and approve or deny the applicant's proposal for wells and sewage disposal systems and shall advise the Commission of its findings. The groundwater source must be an approved source of supply reasonably calculated to be capable of furnishing the needs of the eventual inhabitants of the subdivision. The Health Director, or his designee, may require geotechnical or other tests to determine the suitability of the soil for subsurface disposal; and may require hydrogeologic or other tests to determine the adequacy of the groundwater supply for the proposed use or uses. Hydrogeologic tests shall be in conformance with Section 6.600 of the Facilities Standards Manual, which is incorporated herein by reference. Geotechnical, hydrogeologic and/or other tests shall be the responsibility of the developer, with supervision by the Health Director. Where hydrogeologic testing has been required pursuant to preliminary subdivision plat review and approval, no record plat of subdivision shall be approved for any lot under 80,000 square feet until written approval of constructed well has been secured from the Health Director.

Any proposed lots which have been completely tested and do not meet Health Department requirements may be approved with a note similar to the following placed on the plat:

"**NOTE:** This lot is not considered to be approved as a building lot as it is unsuitable for the installation of an on-site sewage disposal system and/or individual water supply under the current standards of the Loudoun County Health Department."

4.330 PRIVATE ROADWAY STANDARDS

A. General

The following shall apply to the categories of private roadways, except as noted herein:

1. Traffic control signage and lane markings provided on private roadways shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). When a signal is warranted, signalization shall meet VDOT standards.
2. Private roadways may be designed with a curb and gutter section or a

shoulder section. Shoulder sections shall have stabilized shoulders which may be a paved, gravel, or sodded grass surface. Shoulders shall meet VDOT slope requirements.

3. Private roadways shall be designed to accommodate an SU-30 design vehicle (AASHTO) and to accommodate emergency vehicles in accordance with the design criteria contained within Tables I, II and III of this chapter. The travel way inside radius at an intersection shall be a minimum of 25 feet, except for alleys.
4. Where parking is provided on the roadway, pavement width shall be increased appropriately. Parking geometry designs shall meet the requirements of this chapter.
5. An entrance permit shall be secured from the Virginia Department of Transportation in order to tie into an existing VDOT maintained road.
6. Sidewalks shall be placed within the public access easements. Handicap accessible ramps and provisions, in accordance with State and Federal requirements, shall be provided at roadway intersections with curb gutter.
7. Roadway design details which are not standard designs used by VDOT, such as CG-6R or YI-1 components, shall be submitted as detailed drawings to the Director for approval.
8. All private roadways and access easements discussed in this chapter, except those created as part of the Base Density Division Option pursuant to LSDO Section 1241.06, and located within a proposed Family Subdivision pursuant to LSDO Section 1243.04, require construction plans and profiles and an approved Performance Bond prior to record plat approval for the subdivision the roadways or access easements are to serve.

8.102 PRELIMINARY PLAT OF SUBDIVISION

The purpose of the preliminary plat of subdivision is to conceptually show the probable lot layout and location of streets and other necessary infrastructure to demonstrate geometric locations of all lots and improvements of such proposed subdivision.

- A. The preliminary plat of subdivision shall contain the following data, legibly drawn, on sheets of 24 inches by 36 inches in size, with appropriate matchlines, (if necessary). The failure to depict the following items on the preliminary plat of subdivision, shall not relieve the developer of any requirement to depict such

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items on subsequent application.

1. The title "Preliminary Plat of Subdivision".
2. Scale. (See 8.101)
 - a. Lots less than or equal to 3 acres: 1 inch equals no more than 100 feet.
 - b. Lots greater than 3 acres 1 inch equals no more than 200 feet.
3. North arrow.
4. Date. A date shall be shown on the cover sheet
5. The proposed name of the subdivision. (See 8.101)
6.
 - a. The name and address of the owner of record.
 - b. The name of the subdivider.
 - c. The professional engineer or surveyor who prepared the plat.
7. The number of sheets comprising the plat.
8. A revision block. (See 8.101)
9. Source of title. (See 8.101)
10. Zoning requirements. (See 8.101)

In addition to the applicable zoning requirements, as stated in Section 8.101.5, the following note shall be provided on preliminary plats of subdivision which are preceded by a rezoning or special exception application:

"All development within this subdivision shall be in substantial conformance with (A) the requirements of the applicable concept development plan, proffers and special exception conditions in accordance with (insert specific reference to County application numbers), pursuant to which such concept development plan, proffers and special exception conditions were approved, and (B) any conditions set forth as conditions of approval of this preliminary plat."

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11. Zoning, variance, special exception, subdivision, or subdivision exception information. (See 8.101)
12. Election District and Loudoun County, Virginia in Title Block.
13. Vicinity map. (See 8.101)
14. Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any.
15. Proposed lot lines, (showing approximate dimensions), proposed block and lot numbers, and the approximate area of each lot.
16. Coordinate Grid lines. (See 8.101)
17. Adjoining property information. (See 8.101)
18. The Zoning District and jurisdictional boundaries. (See 8.101)
19. Tax map reference. (See 8.101)
20. The approximate location of existing buildings within the subdivision.
21. The proposed location, width, centerline and projected Average Daily Traffic (ADT's) of each road or other public or private way within the subdivision. Pedestrian circulation paths shall be shown, including proposed trails and sidewalks, if such improvement is required.
22. The approximate location, width, ADT's and centerline of adjoining roads, and access easements with their names and/or route numbers.
23. Proposed roads shall include approved and/or reserved road names and road sign locations per the Codified Ordinances of Loudoun County.
24. Proposed yard and setback lines. (See 8.101)
25. The approximate location and approximate area of any land to be dedicated or reserved for public use, road right-of-way use, or common use of future property owners in the subdivision.
26. Approximate watercourse locations and names, if any, and floodplain delineation per the Floodplain Map of Loudoun County or per a floodplain study performed in accordance with Chapter 5 of this manual which has been approved by the County or which has been submitted and accepted by the County for review; or per a vertical field survey in accordance with Chapter 5 of this manual. A note stating the source of the floodplain

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delineation shall be included.

27. General location of existing drainage ways, ponds, on site sewage disposal, on site water supply systems and existing and proposed public water and sewer lines.
28. Archeological, natural e.g., Champion trees, etc., and historical features, cemeteries and historic landmarks on the site, as identified in adopted Federal and State documents.
29. Current topographic information, indicating when and by what means it was made, having contour intervals of 5 feet or less, showing all the area covered by the subdivision not including residue parcel(s) and related to the National Geodetic vertical datum of 1929.
30. Stakeout and plan. (See 8.101)
31. Graphically shown on the plan, 65 and 60 LDN Limits and any areas within one mile of the 60 LDN line, as defined by the Zoning Ordinance of Loudoun County.
32. Approval block. (See 8.101)
33. Proffered preservation areas shall be clearly delineated (e.g., trees, structures, etc.).
34. For lots less than 3 acres in size a typical lot detail shall be provided at a scale of not less than 1 inch = 50 feet.
35. A tabulation of lot yield for those properties being developed pursuant to the Cluster Subdivision option or Principal/Subordinate option in the AR-1 or AR-2 Zoning Districts.

8.103 PLATS FOR SUBDIVISION AND OTHER MISCELLANEOUS PLATS

- A. The plats shall be prepared by a professional surveyor or engineer. These plats shall contain the data listed below, legibly drawn, on sheets of 18 inches by 24 inches in size, with appropriate matchlines (if necessary). The following shall be included for each plat as appropriate.
 1. Scale.
 - a. Lots less than 1/4 acre 1 inch equals no more than 50 feet.
 - b. Lots 1/4 to 3 acres 1 inch equals no more than 100 feet.

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- c. Lots greater than 3 acres 1 inch equals no more than 200 feet.
- 2. North arrow.
- 3. Date.
- 4. The name of the subdivision.
- 5.
 - a. The name of the owner(s) of record.
 - b. The name and address of the engineer or surveyor who prepared the plat.
- 6. Number of sheets comprising the plat.
- 7. A revision block.
- 8. Tax map reference(s).
- 9. Seal and signature.
- 10. A certificate, endorsed by the engineer or surveyor, setting forth the source of title of the land subdivided and the place of record of the last instrument(s) in the chain of title, in accordance with Section 15.2-2262 of the Code of Virginia, as amended.
- 11. The boundary survey with an error of closure within the limits established by the Commonwealth of Virginia.
- 12. Coordinate grid lines.
- 13. The original tracings and paper copies submitted for signature and recordation shall be drawn legibly and accurately per Virginia State Library and Archives Standards for plats.
- 14. Zoning requirements.
- 15. Zoning district and jurisdictional boundaries.
- 16. Zoning, variance, special exception, subdivision, or subdivision exception information.
- 17. Election District and Loudoun County, Virginia in the Title Block.
- 18. Vicinity Map.

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19. The plat shall show parcel and lot lines, showing dimensions, block and lot numbers, and the area of each parcel or lot including area outside of major floodplain. Dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot, and bearings in degrees, minutes, and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. Acreage shall be shown to the ten thousandth decimal place and square footage to the nearest whole foot and all of the remaining area in the original tract/residue parcels to the nearest one hundredth of an acre.
20. Roadways shall include approved and/or reserved names per the Codified Ordinances of Loudoun County. Existing public roadways shall include route numbers and road names.
21. The location, dimensions of easements, dimensions and area of roadways, public sites (schools, fire and rescue facilities, etc.), parks and other public areas shall be included.
22. Adjoining property information.
23. Graphically shown on the plan, 65 and 60 LDN Limits and any area within one mile of the 60 LDN line, as defined by the Zoning Ordinance of Loudoun County.
24. Yard and setback lines.
25. If land is being dedicated or reserved for public use for roads, parking areas for public use, or for common use of the future property owners of the subdivision, the record plat shall so state and illustrate such.
26. As applicable, the location, width, and centerline of existing/proposed roads, easements, parking areas, and public or private rights-of-way within or immediately abutting the property. Deed book and page numbers shall be provided, as applicable.
27. If not otherwise contained within the deed accompanying the plat, the plat shall contain a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the undersigned owners and trustees of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia of 1950, as amended.
28. The plat shall indicate Health Director approved sewerage disposal systems and water supply systems, as specified in the Loudoun County

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Codified Ordinances.

29. The plat shall contain a statement setting forth the persons or entities responsible for maintenance of stormwater detention, drainage facilities, easements, sidewalks, trails, lighting and other facilities, as required.
30. In the ~~CR1-4, RR, A-25,~~ AR-1, AR-2, A-10 and A-3 Zoning Districts, record plats shall contain the following statement:
- “In all areas within the ~~CR1-4, RR, -1, RR-2, A-25,~~ AR-1, AR-2, A-3, or A-10 Zoning Districts, agricultural and rural economy activities are the preferred land uses. Owners of land within ~~CR1-4, RR-1, RR-2, A-25,~~ AR-1, AR-2, A-3 or A-10 Zones are hereby notified that agricultural and rural economy activities shall be given preference by the County when conflicts arise concerning the compatibility of such farm or rural economy uses with adjacent or nearby non-farm ~~activities or non-rural economy~~ uses. The County shall not restrict or interfere with farming and rural economy activities in the ~~CR1-4, RR, -1, RR-2, A-25,~~ AR-1, AR-2, A-10, or A-3 Zones. The farming and rural economy activities, including such effects as noise, odors, and machinery traffic, shall not be recognized or accepted by the County as valid or proper cause for complaints from adjacent or nearby residential neighbors.
31. Watercourses and names, if any, and a floodplain easement in accordance with Chapter 5 of this manual.
32. All restrictive covenants or reference thereto.
33. An Approval Block.
34. If private roads or access easements are proposed, the following notes shall be added as appropriate:
- Construction of the access easement shown hereon shall conform to the standards set forth in the Loudoun County Land Subdivision and Development Ordinance.
 - Construction of the Class III road shown hereon shall conform to the standards set forth in Chapter Four of this manual.
 - The access road or access easement shown hereon is private and its maintenance, including snow removal is NOT a public responsibility. It shall not be eligible for acceptance into the State secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the

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Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs required to cause this road to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and Loudoun County.

35. The location of structures to be retained, including stone walls within areas to be dedicated for public use.
36. Designation of ADU lots in accordance with Zoning Ordinance.
37. If the property is being developed pursuant to the Principal/Subordinate Subdivision Option, the following as appropriate:
 - a. Tabulations showing the lot yield originally calculated for the Originating Tract, all prior subdivisions from the Originating Tract, and all resulting Principal Lots and number of Subordinate Lots created pursuant to each such subdivision.
 - b. Labels clearly identifying the Principal and Subordinate lot(s).
 - c. A note stating that "Subordinate lots are ineligible for further subdivision."
38. If the property is being developed pursuant to the Cluster Subdivision Option in the AR-1, AR-2, RR-1 or RR-2 Zoning District, the following as appropriate:
 - a. Inclusion of a note on the record plat and documentation within the deed that agricultural operations enjoy the protection of the Right to Farm Act.
 - b. A tabulation of density for such cluster subdivision.
 - c. ***Inclusion of note on the record plat and documentation within the deed stating that all lots are ineligible for further subdivision.***

C. Final Documents

Prior to plat approval, the following items must be submitted for review and approval to the Director:

1. If improvements required under these regulations are not completed, a financial guarantee in the form of a cash bond, certified check, or surety

performance bond and agreement as required by Section 8.300 of this chapter. Such guarantee must be accepted by the Board of Supervisors or designee prior to plat approval.

2. An unexecuted copy of the deed, accompanied by a Certificate of Authenticity signed by the developer and duly acknowledged before an officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed which will be presented for recordation, unless revisions are required by the Director, in which case such deed will be recorded in the form as approved by the Director or designee. Such deed shall:
 - a. Contain a correct description of the land subdivided or adjusted and state that such subdivision or adjustment is with the free consent and in accordance with the desire of the undersigned owners and trustees of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia, as amended.
 - b. Contain language such that, when the deed is recorded, it shall operate to transfer in fee simple to the Board of Supervisors such portion of the platted premises as is on such plat set apart for roads, easements, or other public use and to create a public right-of-passage over the same.
 - c. Contain protective or restrictive covenants, if applicable.
 - d. Contain, when applicable, provisions for maintenance and indemnification by the property owner with respect to any structure, including permanent fences and stone walls, within the proposed and future right-of-way.
3. In cases where land or facilities are to be dedicated to and held in perpetuity by a homeowner's association, copies of homeowner's association documents shall be submitted.
4. A letter from the obligor acknowledging that a maintenance and indemnification agreement satisfactory to the Board of Supervisors to provide for public facilities maintenance must be executed and delivered to the Director prior to final release of the financial guarantee.
5. Certificate by subdivider that structures subject to Zoning Ordinance minimum yard requirements, which are not shown on the plat, will be removed, unless satisfactory alternate arrangements have been approved by the Director.
6. The submitted mylar and paper copies shall be at the scale of the original

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plat, without enlargement or reduction to change the size of the plat. If the plat contains lots served by well or septic drainfields, a second reproducible mylar copy of the plat shall be submitted.

7. If not included in the deed, a Deed of Release if there are deed of trust trustees who did not enter into the application or a letter or other documentation from the owner which certifies that there is no deed of trust lien on the property
8. A letter from the owner which states that a performance bond or check adequate to insure the installation of required water or sewerage facilities in a manner which will satisfy the requirements of the County Health Department, the town, or the Authority, as applicable, has been furnished to such public authority.
9. When the developer is required to establish an owners' association prior to approval of the plat to satisfy proffer or other zoning or regulatory requirements, documentation evidencing the creation and legal existence of the association.
10. A copy of the document establishing the funding mechanism providing maintenance of the common facilities in accordance with the Zoning Ordinance (AR and RR Districts only).
11. A copy of a minimum two year maintenance contract if communal and/or sewage disposal system is to be maintained by an entity other than LCSA (AR and RR Districts only).

8.103.8 AR-1 and AR-2 Division Plats

- A. The plats shall be prepared by a professional engineer or surveyor. These plats shall contain the data listed below, legibly drawn.

1. Title
2. North Arrow
3. Date
4. The name of the Division
5. The name of the owner of record and land record reference for source of Title.

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6. The Name of the engineer or surveyor who prepared the plat.
7. Number of sheets comprising the plat.
8. Tax Map reference.
9. Sheet size and scale. The original tracings and paper copies submitted for signature and recordation shall be drawn legibly and accurate per Virginia State Library and Archives Standards for plats.
10. Election District and Loudoun County, Virginia within the Title Block.
11. The plat shall show parcel and lot lines, including dimensions. Dimensions shall be shown in feet and decimals of a foot to the closest one-hundredth of a foot, and bearings in degrees, minutes and seconds. The data for curves shall be shown in detail at the curve or in a curve data table containing the following: radius, delta, arc, tangent, chord, and chord bearing. If land is being dedicated or reserved for public use for roads, parking areas or for common use of the future property owners, the plat shall so state and dimension such.
12. If not otherwise contained in the deed accompanying the plat, the plat shall contain a statement to the effect that the Division is with the free consent and in accordance with the desire of the undersigned owners of the property and shall be duly acknowledged in accordance with Section 15.2-2264 of the Code of Virginia of 1950 as amended.
13. Seal and signature.
14. If private access easements are proposed, the following notes shall be added as appropriate:
 - a. Construction of the access easement shown hereon shall conform to the standards set forth in the Loudoun County Land Subdivision and Development Ordinance.
 - b. Construction of the Class III road shown hereon shall conform to the standards set forth in Chapter Four of this manual.
 - c. The access road or access easement shown hereon is private and its maintenance, including snow removal is NOT a public responsibility. It shall not be eligible for acceptance into the State secondary system for maintenance until such time as it is constructed and otherwise complies with all requirements of the Virginia Department of Transportation for the addition of subdivision roads current at the time of such request. Any costs

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required to cause this road to become eligible for addition to the State system shall be provided from funds other than those administered by the Virginia Department of Transportation and/or Loudoun County.

B. Documents to accompany Division Plats

1. If applicable, an unexecuted copy of the Private Roads Maintenance Agreement with maintenance agreement language per Chapter 1245 of the Land Subdivision and Development Ordinance where applicable, shall be submitted for review and recommendation concurrent with the associated Division plat.
2. A letter signed by the Health Director evidencing conformance with applicable requirements of the County Health Department.
3. If applicable, an unexecuted Deed of Easement establishing ingress/egress rights, maintenance and construction responsibilities including snow removal.

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